

# **Exhibit B-2**

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

ECOFACOR, INC.,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

Civil Action No. 6:20-cv-00075 (ADA)

**GOOGLE LLC'S AMENDED TRIAL WITNESS LIST**

Google expects to call at trial the percipient and expert witnesses identified below.

Google also may call individuals listed on Plaintiff's trial witness list, as well as individuals necessary for rebuttal, and hereby reserves all rights to do so. Google intends to cross-examine any witnesses Plaintiff presents and reserves the right to adjust the order and manner in which it presents witnesses based on Plaintiff's case and based on circumstances beyond Google's control. In addition, Google may present deposition testimony, including in the event that any of the individuals listed below as witnesses that Google intends to call become unable to attend trial or are otherwise unable to provide live testimony.

| No. | Witness  | Will Call<br>[live or by<br>depo] <sup>1</sup> | May Call<br>[live or by<br>depo] | Est. Time<br>(Hrs.) | EcoFactor's<br>Objections                   |
|-----|--|--|----------------------------------|---------------------|---|
| 1   | Jeff Gleeson   | Live   |                                  | 0.5                 |   |
| 2   | Dr. Marco Bonvini                                      | Live   |                                  | 0.75                |   |
| 3   | Dr. Eric Burger  | Live   |                                  | 1.25                |   |
| 4   | Josh Buffum  | Live   |                                  | 0.5                 |   |
| 5   | Dr. Don Turnbull                                       | Live   |                                  | 1.5                 | FRE 702, 802.<br>Dkts. 109, 116.            |
| 6   | Glen Kuo   | Depo   |                                  | 0.25                |   |
| 7   | Michael Brown,<br>Representative of<br>Nevada Energy   | Depo   |                                  | 0.25                |   |
| 8   | Adam Grant,<br>Representative of<br>Nevada Energy      | Depo   |                                  | 0.25                |   |
| 9   | William Yu,<br>Representative of<br>Trane Technologies | Depo   |                                  | 0.5                 | Untimely; post-<br>fact discovery<br>cutoff |

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<sup>1</sup> Due to the potential for circumstances beyond Google's control, including without limitation the conditions imposed by the pandemic, Google reserves the right to present a witness's live testimony through video or designate deposition testimony should the need arise.

| No.            | Witness  | Will Call<br>[live or by<br>depo] <sup>1</sup> | May Call<br>[live or by<br>depo] | Est. Time<br>(Hrs.) | EcoFactor's<br>Objections                   |
|----------------|--|--|----------------------------------|---------------------|---|
| 10             | Timothy Clark,<br>Representative of<br>Bidgely, Inc. | Depo   |                                  | 0.5                 |   |
| 11             | Gianna Orozco  | Depo   |                                  | 0.25                |   |
| 12             | James Maccoun  | Live   |                                  | 0.5                 |   |
| 13             | Michael Maigret                                      | Live   |                                  | 0.75                |   |
| 14             | Scott McGaraghan                                     | Live   |                                  | 0.5                 |   |
| 15             | W. Todd<br>Schoettelkotte                            | Live   |                                  | 1.5                 | FRE 702, 802.<br>Dkts. 109, 117.            |
| 16             | Scott Hublou   | Depo   |                                  | 0.5                 |   |
| 17             | Mark Malhotra  | Live   |                                  | 0.5                 | No deposition                               |
| 18             | Dr. David Auslander                                  | Live   |                                  | 0.5                 | FRE 702. Party<br>agreement to<br>Dkt. 112. |
| 19             | David Williams                                       | Live   |                                  | 1.5                 |   |
| 20             | Ruchi Desai  | Live   |                                  | 0.5                 |   |
| * <sup>2</sup> | Shayan Habib   | Live   |                                  | 1.5                 |   |
| *              | Glen Okita   | Live   |                                  | 0.75                |   |
|                | Dr. Ramya<br>Bhagavatula                             |  | Live                             |                     |   |
|                | Dia Kharrat  |  | Live                             |                     |   |
|                | Representatives of<br>Automated Logic<br>Corporation |  | Live                             |                     | Unknown<br>witnesses; no<br>deposition      |
|                | Representatives of<br>Daikin Industries,<br>Ltd.     |  | Live                             |                     | Unknown<br>witness; no<br>deposition        |
|                | Representatives of<br>Johnson Controls, Inc.         |  | Live                             |                     | Unknown<br>witness; no<br>deposition        |

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<sup>2</sup> Plaintiff has indicated that it will call these witnesses as part of its case in chief. If not called by Plaintiff, then Google reserves its right to call these witnesses live and/or seek to introduce their deposition testimony during its case.

| No. | Witness   | Will Call<br>[live or by<br>depo] <sup>1</sup> | May Call<br>[live or by<br>depo] | Est. Time<br>(Hrs.) | EcoFactor's<br>Objections            |
|-----|---|--|----------------------------------|---------------------|--------------------------------------|
|     | Representatives of<br>Schneider Electric<br>USA, Inc. |  | Live                             |                     | Unknown<br>witness; no<br>deposition |

### **EcoFactor's General Objections**

In addition to the objections in the chart above, EcoFactor objects to Google's assertion that it may designate unknown "individuals necessary for rebuttal." Google cannot withhold from EcoFactor those witnesses it plans to call for rebuttal. EcoFactor also objects to Google's identification of "representatives" of various third parties rather than specific witnesses. Further, Google has listed a number of witnesses as "will call [live or by depo]" with a footnote stating that they reserve the right to have depo testimony admitted "should the need arise" due to the pandemic. EcoFactor objects to Google's failure to disclose whether it intends to call the listed witnesses live, or by depo. EcoFactor has provided deposition designations for those witnesses that EcoFactor understands Google will likely not call live, while not providing designations for those witnesses EcoFactor understands Google will likely call live, but reserves all rights to designate deposition testimony for any other witness on Google's witness list that Google identifies it will not call live. To the extent any pandemic-related issues arise for any witnesses that are designated to testify live, the parties can address such issues at that point in time. EcoFactor reserves all rights to designate deposition testimony for any such witness should such a situation arise. Further, EcoFactor objects to Google's listing of witnesses it "will" or "may" "call [live or by depo]" for which no deposition has been taken in this matter.

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on January 6, 2021, the foregoing was served on all counsel of record by e-mail.

/s/ Patrick Murray